

ORDINANCE NO. 06-10-086

TO AMEND TITLE 17 CHAPTER 17.04 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES, WHICH PROVIDES FOR ZONING REGULATIONS; TO REPEAL SECTION 17.04.132 ENTITLED "RESERVED;" TO AMEND SECTION 17.04.132 ENTITLED "Active Adult Residential (AAR) District;" TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

**SECTION 1.** Chapter 17.04.132 of the Code of Ordinances of the City of Locust Grove is hereby amended by repealing Section 17.04.132 in its entirety and replacing in lieu thereof the following:

17.04.132 Active Adult Residential (AAR) District.

The regulations for the AAR active adult residential district are as follows:

(a) *Purpose and intent.* The AAR active adult residential district is established to provide locations for the development of detached dwelling units limited to those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time and shall not be established as a precedent for any other residential or nonresidential district. This residential use is designed to be located in areas designated for high-density residential or mixed-use either inside or within one-half mile of a Neighborhood Commercial, Community Commercial, or Regional Commercial area as designated by the City of Locust Grove Comprehensive Plan, as may be amended from time to time.

(b) *Definitions.*

*Active Adult Residential* means individual housing units designed for adults fifty-five (55) and older in accordance with the Fair Housing Act that do not include or provide any type of supportive services such as medical care, food preparation or other services normally a course of business for an assisted living facility and/or a personal care home.

*Fair Housing Act* means Section 800 [42 USC 3601] through Section 901 [42 USC 3631] of United States Code, more particularly Section 807 [42 USC 3607] pertaining to "housing for older persons", as may be amended.

*Residential parking Garage ("RPG")* shall mean an enclosed structure attached to or part of the principal dwelling for housing at least two (2) vehicles. All AAR dwelling RPG's shall have the following minimum dimensions: vehicular entrance height, seven feet (7'); vehicular entrance width, sixteen feet (16'); garage interior height, eight feet four inches (8'4"); and overall garage width and depth of no less than twenty feet by twenty feet (20' x 20'), respectively. The floor shall be constructed of concrete. Concrete floors shall be reinforced, and a minimum of four inches (4") in thickness with appropriate fill and base. RPG's shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the City and constructing an attached RPG to the main residential structure. The RPG shall be kept clear to that a minimum of one (1) vehicle may be parked in the RPG at all times. RPG's may be placed in the following arrangements on lots as required herein:

1. For lots with alleyway access, RPG's shall either be placed at the rear of the structure or be incorporated into the residence with the RPG door facing the alleyway.
2. For lots without alleyway access, RPG's may be located with front-entry facing residential streets (architectural garage doors must be used); side-entry, with RPG entry located at the side of a residential structure; or plaza entry, with RPG structure in the front of the main residential structure having its garage entry placed to the side.

(c) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

1. Single-family detached dwellings as limited in Sections (h) and (i).
2. Crop gardens.
3. Local, state and federal government buildings.
4. Publicly-owned and operated parks and recreation areas.

5. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.
6. Home occupations, when conducted wholly within the principal structure.

(d) *Accessory Uses:*

1. Accessory structures or buildings.
2. Subdivision recreation areas and open space owned, operated and maintained by homeowners' associations exclusively for the use of residents and their guests.
3. Utility substations, when located in accordance with the requirements and space limits set forth in the district regulations. All substations shall have a landscaped or masonry barrier on all sides.

(e) *Conditional Uses:* none

- (f) *Conditional Exceptions:* The parking of one unoccupied travel trailer, motor coach or pleasure boat, subject to the provisions of this chapter. Said conditional exception must be renewed annually.

(g) *Development standards.* Except as otherwise provided for herein, the following development standards shall apply in this zoning district:

1. Minimum tract size. A development in the AAR district shall have a minimum tract area of ten (10) contiguous acres.
2. Maximum tract size. A development in the AAR district shall have a maximum tract area of fifty (50) contiguous acres.
3. Minimum lot area. 6,000 square feet.
4. Minimum Lot width. 55 feet.
5. Minimum side setback. Five (5) feet.
6. Minimum separation between structures. Thirteen (13) feet.
7. Minimum front yard setback. Twenty (20) feet from property line (alleyway design); twenty-five (25) feet (alternative design with no alleyway).
8. Minimum rear yard setback. Twenty (20) feet.
9. Maximum height. Forty feet (40').

10. Minimum heated floor area. 1,600 for a single-story structure; 2,000 square feet for a two-story structure.
11. Paved Driveway: required
12. Curb and Gutter: required
13. Sidewalks: required. Minimum width of four feet (4') located at a minimum of three feet (3') behind the curb. A multiuse path can, at the discretion of the mayor and council, be substituted for sidewalks if access is provided to each lot.
14. Streetlights: required
15. Underground utilities: required
16. Residential Parking Garage: required
17. Alleyways are required for all interior lots of an AAR development where the development shall have public streets. Alleyways are recommended but not required for interior lots of an AAR development where the streets shall be private. For lots along the perimeter of the development or interior lots without alleyways, an alternative parking arrangement must be provided regardless of whether the streets are public or private. Alternative parking arrangements may consist either of on-street parking a minimum of 10 feet (10') in width by twenty feet (20') in length with tree islands every 12 spaces; off-street parking lots developed to commercial standards with minimum size of nine feet (9') in width by eighteen feet (18) in length; or use of an additional ten feet (10') of front setback for additional storage of vehicles on individual lots. For lots seventy-five feet (75') in width or greater, plaza or side-entry garages are required. Where on-street parking is used, it shall be used in conjunction with alleyway lots to prevent conflicts with driveway cuts. All parking should be distributed throughout the development to provide equal access to the lots they are intended to serve. The ratio of alternative parking shall be one space for every four lots, unless otherwise specified by City Council. All parking arrangements shall be reviewed and subject to approval by City Council as part of approval of the preliminary plat.
18. Private streets: permitted by approval of the preliminary plat by mayor and city council. Approval must take into account covenants for the HOA in terms of ownership and continued maintenance/assessment, the need for access for emergency access, including a

secondary access point where feasible, design of the main entrance as a boulevard entrance with two entrance and exit lanes shall be required where no secondary point of access is provided

19. Landscape buffer and screening requirements. Unless otherwise noted within this district's requirements, any AAR development which abuts more restrictive residentially zoned property shall have a minimum 20-foot landscaped screening or maintained natural buffer adjacent to all residential property. When abutting nonresidentially zoned property, a ten-foot landscaped screening buffer is required. Minimum buffers may be increased by the mayor and city council based on existing conditions such as tract size, topographic conditions, etc. in order to provide compatibility with adjacent residential uses.

(h) *Additional Location criteria, design criteria, density and use limitations.*

1. Any AAR development shall be subject to the preliminary plat approval by the mayor and city council prior to issuance of a land disturbance permit. Overall residential development shall be compatible with neighboring residential uses.
2. Maximum density of five units per acre outside any protected watershed district and 3.6 units per acre within any protected watershed district (provided that all impervious surface limitations are met); however, the overall density of a development may be reduced by Mayor and Council at the time of rezoning due to topography, drainage, deforestation or sediment and erosion concerns. Density shall be based on the total property area, less any areas devoted to public rights-of-way (ROW), 100-year flood hazard area (floodplain), stormwater detention facilities, and public lands.
3. All dwelling units must be limited those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time.
4. Homeowners' Association Required: In all cases, a homeowners' association shall be established and incorporated. Membership shall be automatic and mandatory for all lot owners in the development and their successors in interest. The homeowners' association shall have the power to file liens to collect dues and assessments. The homeowners' association shall be formed under the provisions of



Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia, Annotated, which is known as the "Georgia Property Owners' Association Act." (Code 1981, § 44-3-22, et seq.. enacted by Ga. L. 1994, p. 1879, § 1) and shall contain adequate provisions that provides for building and grounds maintenance and repair, insurance and working capital. Said association must also include declaration and bylaws, including rules and regulations, subject to staff review and approval. The declaration and bylaws shall not be enforced by the city. The declaration and bylaws shall, at a minimum, regulate and control the following:

- a. Maintenance of structures and grounds of all lots and common open space,
  - b. Ownership, maintenance, and access to private streets, if elected.
  - c. Animals.
  - d. Signs.
  - e. Exterior items such as fences, lawn ornaments and restrictions on removal of landscape areas and buffers.
  - f. Building improvements
  - g. Outside storage.
  - h. Overnight parking of vehicles
  - i. Decorations
  - j. Trash collection.
  - k. Restrictions/definitions on single-family residential use only, and leasing of units. No more than ten percent of the total units may be leased by individual owners at any time.
  - l. Restrictions on all units being occupied by persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time.
  - m. Accessory buildings and structures.
5. Multiuse Paths and Pedestrian circulation. All AAR developments must be designed to provide pedestrian access to all adjacent properties and roadways. Multiuse paths shall be a minimum of ten feet (10') external to the development (minimum of eight feet (8') internal to the development) and shall be constructed with a minimum of four inches (4") of asphalt or concrete pavement. The paths shall connect lots throughout the development to the majority of the open space and amenity areas. In addition, such multiuse paths shall interconnect with adjoining

- paths and along such areas designated by the Future Land Use Map, the Transportation System Map, or other equivalent map showing an overall trail system for the City of Locust Grove, as amended.
6. Required Amenities. Any AAR development shall provide amenities in areas centrally located to all residential units where feasible and will be required to design such feature for those residents age 55 and older. Amenities shall be approved by the mayor and city council during site plan approval and shall incorporate at a minimum one (1) amenity per fifty (50) dwelling units. The following amenities shall be eligible for inclusion within the development:
    - a. Clubhouse with a minimum of 1,300 square feet of heated space
    - b. A junior Olympic-sized swimming pool
    - c. Resistance swimming area of a minimum of 200 square feet.
    - d. Tennis Courts - one lighted and enclosed facility featuring a minimum of two (2) playing courts.
    - e. Walking trails - at least 2,000 lineal feet, 3 feet in width. Multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4') of width is solely for pedestrian use.
    - f. An upgraded clubhouse with additional 1,000 square feet devoted to entertainment or community activities.
    - g. Pocket park of no more than a quarter-acre in size where activities such as lawn bowling or croquet may occur in addition to passive seating areas.
    - h. Other - any other amenity similar in nature and size to those listed above that is approved by the City Council at the time of zoning.
  7. Exterior Elevations, requirements. At least 50 percent of the exterior elevations of each individual dwelling unit must be constructed with brick, stucco, or stone, with the remaining elevations constructed of any combination of brick, stucco, stone, or cement fiber siding.
  8. No AAR development may be located within an existing subdivision, unless being proposed as part of or connecting to a larger, mixed-use development.
  9. Condominium Ownership. Any condominium projects developed under the AAR district shall be subject to

the Georgia Condominium Act, as may be amended from time to time.

(i) *Special Building Provisions for AAR dwellings.* All dwelling units within an AAR development must incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia) to include:

1. A step-free entrance into the main floor at either the front or side of the structure, or through the garage;
2. A bedroom, kitchen, wheelchair-friendly bathroom and entertaining area on the main floor;
3. Every interior door on the main floor provides a minimum 32 inches of clear passage;
4. Blocking installed in the bathroom(s) on the main floor to facilitate the future addition of hand rails or similar accessibility features.

## **Section II. Severability**

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**Section III.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

## **Section IV.**

- A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section,



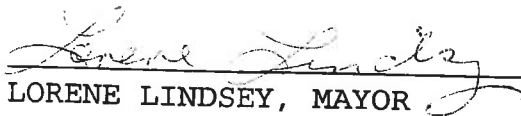
paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section paragraph, sentence, clause or phrase of this Ordinance.

- C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section V. Repeal of Conflicting Provisions.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section VI. Effective Date.** This ordinance shall become effective immediately upon/of its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this 2<sup>nd</sup> day of October, 2006.

  
LORENE LINDSEY, MAYOR

ATTEST:

  
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THERESA BREEDLOVE, City Clerk  
(Seal)